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9 Attorneys for Defendant,
10 COUNTY OF SACRAMENTO
11 (Erroneously sued herein as "Sacramento County
12 Sheriff's Department")

13 **UNITED STATES DISTRICT COURT**

14 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

15 YAPHETTE GEIGER; JETHRO GEIGER;) Case No.: 2:22-CV-00043-JAM-DB
16 K.S., a minor, by and through their Guardian,)
17 BRANDIE SMITH; K.G., a minor, by and)
18 through their Guardian, BRANDI SMITH; and)
19 N.G., a minor, by and through their Guardian,)
ASIA LEE HERON; and JW GEIGER)
Plaintiffs)
v.)
20 COUNTY OF SACRAMENTO,)
21 SACRAMENTO COUNTY SHERIFF'S)
22 DEPARTMENT and DOES 1 through 100,)
inclusive,)
Defendants.)

23 COMES NOW DEFENDANT, County of Sacramento and no others, ("Defendant"), and
24 in answer to Plaintiffs' Consolidated Complaint ("Complaint") admit, deny and allege as
25 follows:

26 1. Answering the allegations contained in paragraph number 3 on page 2 of said
27 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
therein sufficient to enable them to answer any of said allegations, and placing their denial on
that ground, deny each and every, all and singular, generally and specifically, said allegations
and the whole thereof.

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1 2. Answering the allegations contained in paragraph number 4 on page 2 of said
2 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
3 therein sufficient to enable them to answer any of said allegations, and placing their denial on
4 that ground, deny each and every, all and singular, generally and specifically, said allegations
5 and the whole thereof.

6 3. Answering the allegations contained in paragraph number 5 on page 2 of said
7 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
8 therein sufficient to enable them to answer any of said allegations, and placing their denial on
9 that ground, deny each and every, all and singular, generally and specifically, said allegations
10 and the whole thereof.

11 4. Answering the allegations contained in paragraph number 6 on page 2 of said
12 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
13 therein sufficient to enable them to answer any of said allegations, and placing their denial on
14 that ground, deny each and every, all and singular, generally and specifically, said allegations
15 and the whole thereof.

16 5. Answering the allegations contained in paragraph number 7 on pages 2 and 3 of
17 said Complaint, Defendant alleges that they have no information or belief upon the subjects
18 contained therein sufficient to enable them to answer any of said allegations, and placing their denial on
19 that ground, deny each and every, all and singular, generally and specifically, said
20 allegations and the whole thereof.

21 6. Answering the allegations contained in paragraph number 8 on page 3 of said
22 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
23 therein sufficient to enable them to answer any of said allegations, and placing their denial on
24 that ground, deny each and every, all and singular, generally and specifically, said allegations
25 and the whole thereof.

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1 7. Answering the allegations contained in paragraph number 9 on page 3, beginning
2 with “At all relevant times,” on line 8 and ending with “Cal. Gov. Code §811.2.” on line 9 of
3 said Complaint, Defendant admits each and every, all and singular, generally and specifically,
4 said allegations and the whole thereof.

5 8. Answering the allegations contained in paragraph number 9 on page 3, beginning
6 with “COUNTY” on line 9 and ending with “members” on line 12 of said Complaint, Defendant
7 alleges that they have no information or belief upon the subjects contained therein sufficient to
8 enable them to answer any of said allegations, and placing their denial on that ground, deny each
9 and every, all and singular, generally and specifically, said allegations and the whole thereof.

10 9. Answering the allegations contained in paragraph number 10 on page 3 of said
11 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
12 allegations and the whole thereof.

13 10. Answering the allegations contained in paragraph number 11 on page 3 of said
14 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
15 therein sufficient to enable them to answer any of said allegations, and placing their denial on
16 that ground, deny each and every, all and singular, generally and specifically, said allegations
17 and the whole thereof.

18 11. Answering the allegations contained in paragraph number 12 on page 3 of said
19 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
20 therein sufficient to enable them to answer any of said allegations, and placing their denial on
21 that ground, deny each and every, all and singular, generally and specifically, said allegations
22 and the whole thereof.

23 12. Answering the allegations contained in paragraph number 13 on page 3 of said
24 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
25 therein sufficient to enable them to answer any of said allegations, and placing their denial on
26 that ground, deny each and every, all and singular, generally and specifically, said allegations
27 and the whole thereof.

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1 13. Answering the allegations contained in paragraph number 14 on page 3 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 14. Answering the allegations contained in paragraph number 15 on pages 3 and 4 of
5 said Complaint, Defendant alleges that they have no information or belief upon the subjects
6 contained therein sufficient to enable them to answer any of said allegations, and placing their
7 denial on that ground, deny each and every, all and singular, generally and specifically, said
8 allegations and the whole thereof.

9 15. Answering the allegations contained in paragraph number 16 on page 4 of said
10 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
11 therein sufficient to enable them to answer any of said allegations, and placing their denial on
12 that ground, deny each and every, all and singular, generally and specifically, said allegations
13 and the whole thereof.

14 16. Answering the allegations contained in paragraph number 17 on page 4 of said
15 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
16 therein sufficient to enable them to answer any of said allegations, and placing their denial on
17 that ground, deny each and every, all and singular, generally and specifically, said allegations
18 and the whole thereof.

19 17. Answering the allegations contained in paragraph number 18 on page 4 of said
20 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
21 therein sufficient to enable them to answer any of said allegations, and placing their denial on
22 that ground, deny each and every, all and singular, generally and specifically, said allegations
23 and the whole thereof.

24 18. Answering the allegations contained in paragraph number 20 on page 4 of said
25 Complaint, Defendant admits each and every, all and singular, generally and specifically, said
26 allegations and the whole thereof.

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1 19. Answering the allegations contained in paragraph number 21 on page 4 of said
2 Complaint which incorporates paragraphs number 1 through 15, said Defendant refers to their
3 answers to said paragraphs and by such reference incorporate the same herein to have the same
4 force and effect as if set forth fully at length.

5 20. Answering the allegations contained in paragraph number 22 on page 4 of said
6 Complaint, Defendant admits each and every, all and singular, generally and specifically, said
7 allegations and the whole thereof.

8 21. Answering the allegations contained in paragraph number 23 on pages 4 and 5 of
9 said Complaint, Defendants admit that a SCSD detective and sergeant detained Kershawn Geiger
10 and his brother, JW Geiger. Law enforcement flashing red and blue lights were used to make the
11 detention. Defendant admits that Kershawn Geiger and JW Geiger were ordered to show their
12 hands. Hands were shown and as the detective approached Kershawn Geiger from the driver's
13 side of the car, the detective saw that Kershawn Geiger had drawn his handgun and was aiming
14 at the detective. The detective announced the threat and ordered Kershawn Geiger to drop the
15 weapon. Kershawn Geiger failed to follow the order to drop the weapon. Kershawn Geiger
16 opened the car door and shot the detective in the abdomen. Defendant admits that the officers
17 directed lethal force against Kershawn Geiger to stop the lethal threat and to defend the
18 detective. Multiple shots were fired by both the detective and the sergeant. The defendant lacks
19 sufficient information to admit or deny and therefore denies whether any of the detective's
20 rounds struck Kershawn Geiger and if any, how many. Defendant believes that some of the
21 sergeant's rounds were fired through the passenger window and that some of the rounds fired
22 struck Kershawn Geiger. Defendant admits that Kershawn Geiger's illegal assault with a deadly
23 weapon caused the law enforcement officers to defend against a lethal threat and that Kershawn
24 Geiger died because of the rounds fired in self-defense and/or defense of others.

25 22. Answering the allegations contained in paragraph number 24 on page 5 said
26 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
27 allegations and the whole thereof.

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1 23. Answering the allegations contained in paragraph number 25 on page 5 of said
2 Complaint, Defendant admits each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 24. Answering the allegations contained in paragraph number 26 on page 5 of said
5 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
6 therein sufficient to enable them to answer any of said allegations, and placing their denial on
7 that ground, deny each and every, all and singular, generally and specifically, said allegations
8 and the whole thereof.

9 25. Answering the allegations contained in paragraph number 27 on page 5 of said
10 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
11 therein sufficient to enable them to answer any of said allegations, and placing their denial on
12 that ground, deny each and every, all and singular, generally and specifically, said allegations
13 and the whole thereof.

14 26. Answering the allegations contained in paragraph number 28 on page 5, starting
15 with “When” on line 15 and ending with “car” on line 18 of said Complaint, Defendant admits
16 each and every, all and singular, generally and specifically, said allegations and the whole
17 thereof.

18 27. Answering the allegations contained in paragraph number 28 on page 5, starting
19 with “telling” on line 18 and ending with “him” on line 20 of said Complaint, Defendant alleges
20 that they have no information or belief upon the subjects contained therein sufficient to enable
21 them to answer any of said allegations, and placing their denial on that ground, deny each and
22 every, all and singular, generally and specifically, said allegations and the whole thereof.

23 28. Answering the allegations contained in paragraph number 29 on page 5, starting
24 with “After” on line 21 and ending with “vehicle.” on line 22 of said Complaint, Defendant
25 admits each and every, all and singular, generally and specifically, said allegations and the whole
26 thereof.

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1 29. Answering the allegations contained in paragraph 29 on page 5 starting with
2 “While” on line 22 and ending with “floor.” on line 23 of said Complaint, Defendant alleges that
3 they have no information or belief upon the subjects contained therein sufficient to enable them
4 to answer any of said allegations, and placing their denial on that ground, deny each and every,
5 all and singular, generally and specifically, said allegations and the whole thereof.

6 30. Answering the allegations contained in paragraph 30 on page 5 of said Complaint,
7 Defendant alleges that they have no information or belief upon the subjects contained therein
8 sufficient to enable them to answer any of said allegations, and placing their denial on that
9 ground, deny each and every, all and singular, generally and specifically, said allegations and the
10 whole thereof.

11 31. Answering the allegations contained in paragraph number 31 on page 5 of said
12 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
13 allegations and the whole thereof.

14 32. Answering the allegations contained in paragraph number 32 on page 6 of said
15 Complaint, At the time of the shooting, both JW Geiger and Kershawn Geiger had just fled from
16 the scene of a gang shooting where Kershawn Geiger had fired multiple rounds from his high
17 powered, illegally possessed handgun at a fleeing vehicle in the midst of a suburban
18 neighborhood with young children present. The Sheriffs’ officers stopped JW Geiger and
19 Kershawn Geiger to investigate that violent felony and reasonably suspected that Kershawn
20 Geiger and possibly JW Geiger was armed and willing to use deadly force to avoid arrest. The
21 vehicle in which the Geiger brothers were seated at the time of the shooting—the Geiger
22 Vehicle—was pinned between two vehicles. A Sheriff’s Office sergeant stopped his vehicle
23 nearly nose-to-nose with the Geiger Vehicle while an SSO detective stopped his vehicle to the
24 rear and driver’s side of the Geiger Vehicle. At the time of the stop, the sergeant’s vehicle was
25 equipped with emergency lights that were activated and flashed red and blue. The officers were
26 dressed in clothing that identified them as law enforcement. When the officers stopped the
27 Geiger Vehicle, the officers exited their vehicles with the detective on Kershawn Geiger’s side
28 and the sergeant on JW Geiger’s side. Orders were given to show hands and hands were raised.

1 As the detective approached, he saw that Kershawn Geiger had armed himself with an illegally
2 possessed handgun like the one he had just fired into a crowded suburban neighborhood. The
3 detective announced that Kershawn Geiger was armed and ordered Kershawn Geiger to drop the
4 weapon. In response to the threat, the detective had drawn his weapon and aimed it at Kershawn
5 Geiger. Kershawn Geiger did not follow the orders, did not drop his gun, but chose to open his
6 car door and fire his weapon at the detective. The officers fired to stop this lethal threat—the
7 detective in self-defense and the sergeant in defense of the detective.

8 33. Answering the allegations contained in paragraph number 33 on page 6 of said
9 Complaint, Defendant admits that neither the detective nor the sergeant gave a verbal warning to
10 either Kershawn Geiger or JW Geiger that lethal force would be employed. Kershawn Geiger
11 was warned by the detective that he would be shot if he did not drop the weapon because the
12 detective had drawn his weapon and was aiming it at Kershawn Geiger and yelling at him to
13 drop the weapon. The threat of lethal force to defend against the Kershawn Geiger's illegal
14 assault with a deadly weapon was obvious and apparent. The encounter happened in a matter of
15 seconds and Defendant denies that any verbal warning was feasible under the totality of the
16 circumstances. The detective and the sergeant were wearing clothing that clearly identified them
17 as law enforcement officers, the flashing red and blue lights activated by the sergeant from the
18 sergeant's vehicle that was parked nearly nose-to-nose with the front of Kershawn Geiger's
19 vehicle and the commands given by the officers clearly identified the officers as law enforcement
20 officers.

21 34. Answering the allegations contained in paragraph number 34 on page 6, starting
22 with "GEIGER" on line 9 and ending with "sergeant." on line 10 of said Complaint, Defendant
23 alleges that they have no information or belief upon the subjects contained therein sufficient to
24 enable them to answer any of said allegations, and placing their denial on that ground, deny each
25 and every, all and singular, generally and specifically, said allegations and the whole thereof.

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1 35. Answering the allegations contained in paragraph number 34 on page 6, starting
2 with “Further,” on line 10 and ending with “anyone” on line 11 of said Complaint, Defendant
3 denies each and every, all and singular, generally and specifically, said allegations and the whole
4 thereof.

5 36. Answering the allegations contained in paragraph number 35 on page 6 of said
6 Complaint, At the time of the shooting, both JW Geiger and Kershawn Geiger had just fled from
7 the scene of a gang shooting where Kershawn Geiger had fired multiple rounds from his high
8 powered, illegally possessed handgun at a fleeing vehicle in the midst of a suburban
9 neighborhood with young children present. The Sheriffs’ officers stopped JW Geiger and
10 Kershawn Geiger to investigate that violent felony and reasonably suspected that Kershawn
11 Geiger and possibly JW Geiger was armed and willing to use deadly force to avoid arrest. The
12 vehicle in which the Geiger brothers were seated at the time of the shooting—the Geiger
13 Vehicle—was pinned between two vehicles. A Sheriff’s Office sergeant stopped his vehicle
14 nearly nose-to-nose with the Geiger Vehicle while an SSO detective stopped his vehicle to the
15 rear and driver’s side of the Geiger Vehicle. At the time of the stop, the sergeant’s vehicle was
16 equipped with emergency lights that were activated and flashed red and blue. The officers were
17 dressed in clothing that identified them as law enforcement. When the officers stopped the
18 Geiger Vehicle, the officers exited their vehicles with the detective on the Kershawn Geiger’s
19 side and the sergeant on JW Geiger’s side. Orders were given to show hands and hands were
20 raised. As the detective approached, he saw that Kershawn Geiger had armed himself with and
21 illegally possessed handgun like the one he had just fired into a crowded suburban neighborhood.
22 The detective announced that Kershawn Geiger was armed and ordered Kershawn Geiger to drop
23 the weapon. In response to the threat, the detective had drawn his weapon and aimed it at
24 Kershawn Geiger. Kershawn Geiger did not follow the orders, did not drop his gun, but chose to
25 open his car door and fire his weapon at the detective. The officers fired to stop this lethal
26 threat—the detective in self-defense and the sergeant in defense of the detective. Kershawn
27 Geiger’s use of the firearm in the neighborhood was a crime and when Kershawn Geiger aimed
28 his gun at the detective, he committed an assault with a deadly weapon on a peace officer—a

1 felony. When Kershawn Geiger shot the detective in the abdomen, he committed the felony of
2 attempted murder. Kershawn Geiger, who was sitting next to JW Geiger, threatened the life of
3 the detective by (1) aiming his illegally possessed handgun at him and (2) by shooting the
4 detective in the abdomen. The crimes were witnessed by the officers and the sergeant did not fire
5 until after Kershawn Geiger drew his gun, aimed it at the detective and shot the detective in an
6 attempt to kill him.

7 Defendant admits that both the detective and the sergeant fired lethal rounds at Kershawn
8 Geiger. The Defendant lacks sufficient information and belief to admit and therefore denies that
9 the detective's rounds struck the Kershawn Geiger. Although discovery has not yet begun, at
10 this point it appears that some or all of the rounds fired by the sergeant struck the Kershawn
11 Geiger. The officers only fired their weapons to stop the lethal threat posed by Kershawn Geiger
12 when he illegally assaulted the detective with a deadly weapon and after Kershawn Geiger
13 refused to drop his illegally possessed handgun and after the Kershawn Geiger shot the detective
14 in the abdomen. The Defendant denies that the Kershawn Geiger was not an immediate threat of
15 death or serious bodily injury to the officers and the Defendant contends that the deputies' use of
16 deadly force was reasonable. No reasonable officer would have employed less than lethal force
17 under the circumstances faced by the officers at the scene. The Defendant denies that the
18 detective and sergeant did not show reverence for human life. They fired their service weapons
19 to protect life. The Defendant contends that every shot fired by the deputies was in defense of
20 life and to stop the lethal threat posed by the Kershawn Geiger when he chose to assault a peace
21 officer with a deadly weapon and when he attempted to murder the peace officer by shooting him
22 in the abdomen.

23 37. Answering the allegations contained in paragraph number 36 on page 6 of said
24 Complaint, Defendants knew that Kershawn Geiger fired a high-powered handgun at a fleeing
25 vehicle in the middle of a residential neighborhood with children present. In direct response to
26 the law enforcement officers' orders to show hands, and just after the two brothers fled the scene
27 of a shootout in a crowded residential neighborhood, Kershawn Geiger armed himself with an
28 illegally possessed handgun, pointed it at a peace officer and shot the peace officer in the

1 abdomen. Kershawn Geiger attempted murder in the parking lot shootout, assaulted a peace
2 officer with a deadly weapon, and attempted murder when he fired his weapon and struck the
3 peace officer in the abdomen. JW Geiger was found in possession of an illegally possessed
4 handgun.

5 38. Answering the allegations contained in paragraph number 37 on page 6 of said
6 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
7 allegations and the whole thereof.

8 39. Answering the allegations contained in paragraph number 38 on page 6 of said
9 Complaint, Defendant admits each and every, all and singular, generally and specifically, said
10 allegations and the whole thereof.

11 40. Answering the allegations contained in paragraph number 39 on page 6 of said
12 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
13 therein sufficient to enable them to answer any of said allegations, and placing their denial on
14 that ground, deny each and every, all and singular, generally and specifically, said allegations
15 and the whole thereof.

16 41. Answering the allegations contained in paragraph number 40 on page 7 of said
17 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
18 therein sufficient to enable them to answer any of said allegations, and placing their denial on
19 that ground, deny each and every, all and singular, generally and specifically, said allegations
20 and the whole thereof.

21 42. Answering the allegations contained in paragraph number 41 on page 7 of said
22 Complaint, which incorporates paragraphs number 1 through 40, said Defendant refers to their
23 answers to said paragraphs and by such reference incorporate the same herein to have the same
24 force and effect as if set forth fully at length.

25 43. Answering the allegations contained in paragraph number 42 on page 7 of said
26 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
27 allegations and the whole thereof.

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1 44. Answering the allegations contained in paragraph number 43 on page 7 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 45. Answering the allegations contained in paragraph number 44 on page 7 of said
5 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
6 allegations and the whole thereof.

7 46. Answering the allegations contained in paragraph number 45 on page 7 of said
8 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
9 allegations and the whole thereof.

10 47. Answering the allegations contained in paragraph number 46 on page 7 of said
11 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
12 allegations and the whole thereof.

13 48. Answering the allegations contained in paragraph number 48 on page 7 of said
14 Complaint, which incorporates paragraphs number 1 through 47, said Defendant refers to their
15 answers to said paragraphs and by such reference incorporate the same herein to have the same
16 force and effect as if set forth fully at length.

17 49. Answering the allegations contained in paragraph number 49 on pages 7 and 8 of said
18 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
19 allegations and the whole thereof.

20 50. Answering the allegations contained in paragraph number 50 on page 8 of said
21 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
22 allegations and the whole thereof.

23 51. Answering the allegations contained in paragraph number 51 on page 8, of said
24 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
25 allegations and the whole thereof.

26 52. Answering the allegations contained in paragraph number 52 on page 8 of said
27 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
28 allegations and the whole thereof.

1 53. Answering the allegations contained in paragraph number 53 on page 8 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 54. Answering the allegations contained in paragraph number 54 on page 8 of said
5 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
6 allegations and the whole thereof.

7 55. Answering the allegations contained in paragraph number 55 on page 8 of said
8 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
9 allegations and the whole thereof.

10 56. Answering the allegations contained in paragraph number 56 on page 8 of said
11 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
12 allegations and the whole thereof.

13 57. Answering the allegations contained in paragraph number 57 on pages 8 and 9 of
14 said Complaint, Defendant denies each and every, all and singular, generally and specifically,
15 said allegations and the whole thereof.

16 58. Answering the allegations contained in paragraph number 58 on page 9 of said
17 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
18 allegations and the whole thereof.

19 59. Answering the allegations contained in paragraph number 60 on page 9, of said
20 Complaint, which incorporates paragraphs number 1 through 59, said Defendant refers to their
21 answers to said paragraphs and by such reference incorporate the same herein to have the same
22 force and effect as if set forth fully at length.

23 60. Answering the allegations contained in paragraph number 61 on page 9 of said
24 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
25 allegations and the whole thereof.

26 61. Answering the allegations contained in paragraph number 62 on page 9 of said
27 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
28 allegations and the whole thereof.

1 62. Answering the allegations contained in paragraph number 63 on page 9 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 63. Answering the allegations contained in paragraph number 64 on pages 9 and 10 of
5 said Complaint, Defendant denies each and every, all and singular, generally and specifically,
6 said allegations and the whole thereof.

7 64. Answering the allegations contained in paragraph number 65 on page 10 of said
8 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
9 allegations and the whole thereof.

10 65. Answering the allegations contained in paragraph number 66 on page 10 of said
11 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
12 allegations and the whole thereof.

13 66. Answering the allegations contained in paragraph number 68 on page 10 of said
14 Complaint, which incorporates paragraphs number 1 through 67, said Defendant refers to their
15 answers to said paragraphs and by such reference incorporate the same herein to have the same
16 force and effect as if set forth fully at length.

17 67. Answering the allegations contained in paragraph number 69 on page 10 of said
18 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
19 therein sufficient to enable them to answer any of said allegations, and placing their denial on
20 that ground, deny each and every, all and singular, generally and specifically, said allegations
21 and the whole thereof.

22 68. Answering the allegations contained in paragraph number 70 on page 10 of said
23 Complaint Defendant alleges that they have no information or belief upon the subjects contained
24 therein sufficient to enable them to answer any of said allegations, and placing their denial on
25 that ground, deny each and every, all and singular, generally and specifically, said allegations
26 and the whole thereof.

27 69. Answering the allegations contained in paragraph number 71 on page 10 of said
28 Complaint, Defendant alleges that they have no information or belief upon the subjects contained

1 therein sufficient to enable them to answer any of said allegations, and placing their denial on
2 that ground, deny each and every, all and singular, generally and specifically, said allegations
3 and the whole thereof.

4 70. Answering the allegations contained in paragraph number 72 on pages 10 and 11
5 of said Complaint, Defendant alleges that they have no information or belief upon the subjects
6 contained therein sufficient to enable them to answer any of said allegations, and placing their
7 denial on that ground, deny each and every, all and singular, generally and specifically, said
8 allegations and the whole thereof.

9 71. Answering the allegations contained in paragraph number 73 on page 11 of said
10 Complaint, Defendant alleges that they have no information or belief upon the subjects contained
11 therein sufficient to enable them to answer any of said allegations, and placing their denial on
12 that ground, deny each and every, all and singular, generally and specifically, said allegations
13 and the whole thereof.

14 72. Answering the allegations contained in paragraph number 74 on page 11 of said
15 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
16 allegations and the whole thereof.

17 73. Answering the allegations contained in paragraph number 75 on page 11 of said
18 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
19 allegations and the whole thereof.

20 74. Answering the allegations contained in paragraph number 76 on page 11, of said
21 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
22 allegations and the whole thereof.

23 75. Answering the allegations contained in paragraph number 77 on page 11 of said
24 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
25 allegations and the whole thereof.

26 76. Answering the allegations contained in paragraph number 78 on page 11 of said
27 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
28 allegations and the whole thereof.

1 77. Answering the allegations contained in paragraph number 79 on page 11 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 78. Answering the allegations contained in paragraph number 80 on page 11 of said
5 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
6 allegations and the whole thereof.

7 79. Answering the allegations contained in paragraph number 83 on page 12 of said
8 Complaint, which incorporates paragraphs number 1 through 82, said Defendant refers to their
9 answers to said paragraphs and by such reference incorporate the same herein to have the same
10 force and effect as if set forth fully at length.

11 80. Answering the allegations contained in paragraph number 84 on pages 12 and 13
12 of said Complaint, Defendant denies each and every, all and singular, generally and specifically,
13 said allegations and the whole thereof.

14 81. Answering the allegations contained in paragraph number 85 on page 13 of said
15 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
16 allegations and the whole thereof.

17 82. Answering the allegations contained in paragraph number 86 on page 13 of said
18 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
19 allegations and the whole thereof.

20 83. Answering the allegations contained in paragraph number 87 on page 13 of said
21 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
22 allegations and the whole thereof.

23 84. Answering the allegations contained in paragraph number 88 on page 13 of said
24 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
25 allegations and the whole thereof.

26 85. Answering the allegations contained in paragraph number 89 on page 13 of said
27 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
28 allegations and the whole thereof.

1 86. Answering the allegations contained in paragraph number 90 on page 13 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 87. Answering the allegations contained in paragraph number 92 on page 14 of said
5 Complaint, which incorporates paragraphs number 1 through 91, said Defendant refers to their
6 answers to said paragraphs and by such reference incorporate the same herein to have the same
7 force and effect as if set forth fully at length.

8 88. Answering the allegations contained in paragraph number 93 on page 14 of said
9 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
10 allegations and the whole thereof.

11 89. Answering the allegations contained in paragraph number 94 on page 14 of said
12 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
13 allegations and the whole thereof.

14 90. Answering the allegations contained in paragraph number 95 on page 14 of said
15 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
16 allegations and the whole thereof.

17 91. Answering the allegations contained in paragraph number 96 on page 14 of said
18 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
19 allegations and the whole thereof.

20 92. Answering the allegations contained in paragraph number 97 on page 15 of said
21 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
22 allegations and the whole thereof.

23 93. Answering the allegations contained in paragraph number 98 on page 15 of said
24 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
25 allegations and the whole thereof.

26 94. Answering the allegations contained in paragraph number 99 on page 15 of said
27 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
28 allegations and the whole thereof.

1 95. Answering the allegations contained in paragraph number 100 on page 15 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 96. Answering the allegations contained in paragraph number 102 on page 15 of said
5 Complaint, which incorporates paragraphs number 1 through 101, said Defendant refers to their
6 answers to said paragraphs and by such reference incorporate the same herein to have the same
7 force and effect as if set forth fully at length.

8 97. Answering the allegations contained in paragraph number 103 on page 15 of said
9 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
10 allegations and the whole thereof.

11 98. Answering the allegations contained in paragraph number 104 on page 16,
12 starting with “GEIGER” on line 1 and ending with “arrest.” on line2 of said Complaint,
13 Defendant admits each and every, all and singular, generally and specifically, said allegations
14 and the whole thereof.

15 99. Answering the allegations contained in paragraph number 104 on page 16,
16 starting with “On” on line 2 and ending with “crime.” on line 6 of said Complaint, Defendant
17 denies each and every, all and singular, generally and specifically, said allegations and the whole
18 thereof.

19 100. Answering the allegations contained in paragraph number 105 on page 16 of said
20 Complaint, Defendants deny that any shots were fired at JW Geiger. All shots fired were
21 directed at Kershawn Geiger to stop his illegal attempted murder of a peace officer. Defendants
22 admit that Kershawn Geiger died as a result of the peace officers’ attempts to stop Kershawn
23 Geiger’s imminent lethal threat. Defendants deny that JW Geiger suffered any harm because of
24 the lawful actions of Defendants and further contend that any distress suffered by JW Geiger was
25 caused by the illegal actions of his brother, Kershawn Geiger.

26 101. Answering the allegations contained in paragraph number 106 on page 16 of said
27 Complaint, Defendants deny that the SCSD is a legal entity. SCSD owns no property and/or
28 assets. SCSD is a department of the County. For some state law causes of action, a public entity

1 like the County is vicariously liable for some wrongful acts of its employees acting in the course
2 and scope of their employment. Defendants deny that a public entity is vicariously liable for all
3 wrongful acts of its employees.

4 102. Answering the allegations contained in paragraph number 107 on page 16 of said
5 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
6 allegations and the whole thereof.

7 103. Answering the allegations contained in paragraph number 109 on page 16 of said
8 Complaint, which incorporates paragraphs number 1 through 108, said Defendant refers to their
9 answers to said paragraphs and by such reference incorporate the same herein to have the same
10 force and effect as if set forth fully at length.

11 104. Answering the allegations contained in paragraph number 110 on pages 16 and 17
12 of said Complaint, Defendants lack sufficient information on which to admit or deny and thereon
13 deny the identity of Does 1-2. Defendants admit that two sheriff's officers fired their duty
14 weapons to stop the imminent lethal threat posed by Kershawn Geiger when he pointed his high
15 powered, illegally possessed, handgun at a sheriff's detective and then shot the peace officer in
16 the abdomen. Kershawn Geiger shot a peace officer after Kershawn Geiger had been lawfully
17 stopped in the investigation of a felony after Kershawn Geiger shot up a neighborhood crowded
18 with little children. Defendants lack sufficient information and belief to know which rounds
19 fired by the two Sheriff's officers struck Kershawn Geiger. None of the rounds struck JW
20 Geiger. Both Kershawn Geiger and JW Geiger received ample warnings when the two law
21 enforcement officers conducted a felony stop with flashing emergency lights and approached the
22 Geiger vehicle with guns drawn because both Geiger brothers had just fled the scene of a felony
23 shooting during which Kershawn Geiger fired multiple rounds at a fleeing vehicle in a crowded
24 residential neighborhood. All force directed at Kershawn Geiger was reasonable and directed to
25 prevent the loss of life by stopping the imminent lethal threat posed by Kershawn Geiger when
26 he grabbed his illegally possessed firearm and pointed it at and fired it at a peace officer who was
27 conducting a lawful stop.

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1 105. Answering the allegations contained in paragraph number 111 on page 17 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 106. Answering the allegations contained in paragraph number 112 on page 17 of said
5 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
6 allegations and the whole thereof.

7 107. Answering the allegations contained in paragraph number 113 on page 17 of said
8 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
9 allegations and the whole thereof.

10 108. Answering the allegations contained in paragraph number 114 on page 17 of said
11 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
12 allegations and the whole thereof.

13 109. Answering the allegations contained in paragraph number 115 on page 18 of said
14 Complaint, which incorporates paragraphs number 1 through 114, said Defendant refers to their
15 answers to said paragraphs and by such reference incorporate the same herein to have the same
16 force and effect as if set forth fully at length.

17 110. Answering the allegations contained in paragraph number 116 on page 18 of said
18 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
19 allegations and the whole thereof.

20 111. Answering the allegations contained in paragraph number 117 on pages 18 and 19
21 of said Complaint, Defendant denies each and every, all and singular, generally and specifically,
22 said allegations and the whole thereof.

23 112. Answering the allegations contained in paragraph number 118 on page 19 of said
24 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
25 allegations and the whole thereof.

26 113. Answering the allegations contained in paragraph number 119 on page 19 of said
27 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
28 allegations and the whole thereof.

1 114. Answering the allegations contained in paragraph number 120 on page 19 of said
2 Complaint, which incorporates paragraphs number 1 through 119, said Defendant refers to their
3 answers to said paragraphs and by such reference incorporate the same herein to have the same
4 force and effect as if set forth fully at length.

5 115. Answering the allegations contained in paragraph number 121 on page 19 of said
6 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
7 allegations and the whole thereof.

8 116. Answering the allegations contained in paragraph number 122 on page 19 of said
9 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
10 allegations and the whole thereof.

11 117. Answering the allegations contained in paragraph number 123 on page 19 of said
12 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
13 allegations and the whole thereof.

14 118. Answering the allegations contained in paragraph number 124 on page 20 of said
15 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
16 allegations and the whole thereof.

17 119. Answering the allegations contained in paragraph number 125 on page 20 of said
18 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
19 allegations and the whole thereof.

20 120. Answering the allegations contained in paragraph number 126 on page 20 of said
21 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
22 allegations and the whole thereof.

23 121. Answering the allegations contained in paragraph number 127 on page 20 of said
24 Complaint, which incorporates paragraphs number 1 through 119, said Defendant refers to their
25 answers to said paragraphs and by such reference incorporate the same herein to have the same
26 force and effect as if set forth fully at length.

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1 122. Answering the allegations contained in paragraph number 128 on page 20 of said
2 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 123. Answering the allegations contained in paragraph number 129 on page 20 of said
5 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
6 allegations and the whole thereof.

7 124. Answering the allegations contained in paragraph number 130 on page 20 of said
8 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
9 allegations and the whole thereof.

10 125. Answering the allegations contained in paragraph number 131 on pages 20 and 21
11 of said Complaint, Defendant denies each and every, all and singular, generally and specifically, said
12 allegations and the whole thereof.

13 126. Answering the allegations contained in paragraph number 132 on page 21 of said
14 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
15 allegations and the whole thereof.

16 127. Answering the allegations contained in paragraph number 133 on page 21 of said
17 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
18 allegations and the whole thereof.

19 128. Answering the allegations contained in paragraph number 134 on page 21 of said
20 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
21 allegations and the whole thereof.

22 129. Answering the allegations contained in paragraph number 135 on page 21 of said
23 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
24 allegations and the whole thereof.

25 130. Answering the allegations contained in paragraph number 136 on page 21 of said
26 Complaint, Defendant denies each and every, all and singular, generally and specifically, said
27 allegations and the whole thereof.

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131. Answering the allegations contained in paragraph number 137 on page 21 of said Complaint, Defendant denies each and every, all and singular, generally and specifically, said allegations and the whole thereof.

132. Answering the allegations contained in paragraph number 138 on page 22 of said Complaint, Defendant denies each and every, all and singular, generally and specifically, said allegations and the whole thereof.

As separate and affirmative defenses, answering Defendant alleges as follows:

FIRST AFFIRMATIVE DEFENSE

That said Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

That at all times herein mentioned the actions of Defendant's employees and contractors were reasonable and in good faith and as such they are entitled to qualified immunity.

THIRD AFFIRMATIVE DEFENSE

That the Plaintiff was contributorily negligent, that such negligence contributed to the incident and that Plaintiff's recovery should therefore either be barred or reduced to the extent of Plaintiff's negligence.

FOURTH AFFIRMATIVE DEFENSE

That this incident was caused by the negligence and/or fault of other persons, corporations, and entities including both parties and non-parties to this action whether named or not named and that Defendant's liability, if any, should be reduced accordingly.

FIFTH AFFIRMATIVE DEFENSE

That the Complaint is barred by virtue of the Plaintiff's failure to comply with the California Government Claims Act.

SIXTH AFFIRMATIVE DEFENSE

Defendant asserts that it did not act with malicious intent to deprive any person of any constitutional right or to cause injury and therefore are not liable.

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SEVENTH AFFIRMATIVE DEFENSE

That at all times Defendant's employees and/or contractors acted in self-defense and/or defense of others and such actions are therefore privileged and reasonable.

EIGHTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims pursuant to California Government Code Section 815.

NINTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims pursuant to California Government Code Section 815.2.

TENTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims for punitive damages pursuant to California Government Code Section 818.

ELEVENTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims pursuant to California Government Code Section 818.2.

TWELFTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims pursuant to California Government Code Section 820.2.

THIRTEENTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims pursuant to California Government Code Section 820.8.

FOURTEENTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims pursuant to California Government Code Section 821.

FIFTEENTH AFFIRMATIVE DEFENSE

That Defendant is immune from state law claims pursuant to California Government Code Section 845.

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1 WHEREFORE, said answering Defendant prays for relief as follows:

2 1. For judgment as against Plaintiffs and in favor of Defendant;

3 2. That Plaintiffs take nothing by way of their Complaint;

4 3. For attorneys' fees and costs of suit incurred herein; and

5 4. For such other and further relief as the court may deem just and proper

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7 Dated: May 16, 2022

LONGYEAR & LAVRA, LLP

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9 By: /s/ Van Longyear

10 VAN LONGYEAR
11 NICOLE M. CAHILL
12 Attorneys for Defendant,
13 COUNTY OF SACRAMENTO

DEMAND FOR JURY TRIAL

Defendant County of Sacramento hereby requests a trial by jury.

Dated: May 16, 2022

LONGYEAR & LAVRA, LLP

By: /s/ Van Longyear

VAN LONGYEAR

NICOLE M. CAHILL

Attorneys for Defendant,
COUNTY OF SACRAMENTO